

DIST/OFFICE	DOCKET		FILING DATE			J	N/S	O	R	R 23	\$	DEMAND OTHER	JUDGE	JURY	DOCKET	
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## PLAINTIFFS

UNITED STATES OF AMERICA

## DEFENDANTS

BILBO NEWMAN COMPANY, INC.,  
PURSER E. NEWMAN a/k/a P. E.  
NEWMAN, MAXINE NEWMAN, CITY BANK  
AND TRUST COMPANY, a Corporation,  
JOE FRANCIS, Attorney-at-Law, and  
~~MERCANTILE BANK AND TRUST COMPANY,~~  
~~a State Banking Corporation~~

THE FIRST NATIONAL BANK AND TRUST  
COMPANY OF TULSA, a National Bank-  
ing Association and the duly  
appointed and acting Trustee of  
the Dwight Joseph Boman Inter  
Vivos Trust

party Defendant

## CAUSE

DW&P Corp., Inc., an Oklahoma corp-  
oration, and JOHNNY DUKE

28 USC Section 1345

Suit on Promissory Note and Foreclosure of Real estate Mortgages parties defend

## ATTORNEYS

Robert P. Santee, Asst. US Atty

~~G. Michael Lewis (Mercantile Bank)~~  
~~1200 Atlas Life Bldg.~~  
~~Tulsa, OK 74103~~  
~~582-1211~~

Remington Rogers (T-S Union Railway--  
117 E. 5th Street non-party)  
Tulsa, OK 74103  
585-9274

Joe Francis, Pro Se  
1610 First National Bldg.  
Tulsa, OK 74103 583-4326

James G. Fehrle (City Bank)  
P. O. Box 1046  
Tulsa, OK 74101  
583-1232

Joseph J. McCain, Jr. (First Nat'l)  
Douglas L. Inhofe  
2400 First National Tower  
Tulsa, OK 74103  
586-5779

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IF CASE WAS  
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## FILING FEES PAID

DATE

RECEIPT NUMBER

C.D. NUMBER

## STATISTICAL CARDS

CARD DATE MAILED

JS-5 1-1-77

JS-6 8-1-78

DATE	NR.	PROCEEDINGS
<u>1976</u>		
12-9	1.	Complaint, filed. Summons issued. ph
12-21		Summons, ret. & filed: served Mercantile Bank & Tr. Co, City Bank & Tr. Co., & Joe Francis 12-13-76; <u>unserved</u> as to Maxine Newman, Purser E. Newman a/k/a P. E. Newman, & Bilbo Newman Co. (USM \$11.64)g
12-23	2.	Motion to Dismiss of deflt. Mercantile Bank and Trust Co., filed. ph
12-23	3.	Brief in support of Motion to dismiss of Mercantile, filed. ph
12-27	MO:	It is ordered by the Court that the pltf. file a resp. brief within 10 days to the Motion to Dismiss of deflt. Mercantile Bank and Trust Co. (HDC-J)ph cps mld
<u>1977</u>		
1-3	4.	Separate ans. of Joe Francis, filed. ph
1-3	5.	Response of pltf. to mo/dismiss of deflt. Mercantile Bank, filed. ph
1-4	6.	Ans. and Cross-Claim of deflt. City Bank & Trust Co., filed. ph
1-25	7.	Resp. of Joe Francis to Cross-Claim of City Bank & Trust Co., filed. ph
1-25	8.	Pltf's reply to ans. and Cross-Claim of City Bank & Trust, filed. ph
1-27	9.	Order, filed and entered, dismissing def. Mercantile Bank from this action, to bear its own costs. (HDC-J)rm-copies mailed
1-11	10.	Motion of First National Bank & Trust Co. of Tulsa, acting Trustee of the Dwight Joseph Boman Inter Vivos Trust, to intervene as party deflt., filed. ph
1-11	11.	Brief in support of motion to intervene as party deflt., filed. ph
1-14	MO:	It is ordered by the Court that all parties file a resp. brief within 10 days to the Motion to Intervene as Party deflt. of First National Bank & Trust Co. of Tulsa acting Trustee of the Dwight Joseph Boman Inter Vivos Trust. (HDC-J)ph cps mld
2-16	12.	Ans. brief of Joe Francis to Brief of First National Bank & Trust Co. of Tulsa in support of mo/Intervene, filed. ph
2-22	13.	Ans. brief of City Bank & Trust Co. to brief of The First National Bank & Trust Co. of Tulsa in support of motion to intervene, filed. ph
2-22	14.	Pltf's memo. brief in resp. to mo/intervene filed by First National Bank & Trust Co., filed. ph
3-28	15.	Order, filed, permitting intervention of The First National Bank & Trust Co. of Tulsa as party deflt; may file its ans. in intervention within 5 days from this date. (HDC-J)ph cps mld
3-29	16	First Natl. Bank & Trust Co. Trustee of the Dwight Joseph Boman Inter Vivos Trust, answer in intervention. fld. ho
4-1	17.	Deflt. City Bank & Trust Co's Motion to add addit. parties deflt., filed. ph (O to J)
4-1	18.	Affidavit of Don A. Anderson supporting motion to add addit. parties deflt., filed. ph
4-1	19.	Order, filed, that mo/amend complaint is granted; that complaint is amended by adding the names of DW&P Corp., Inc. and Okla. Corp, and Johnny Duke as parties deflt; pltf. is required to serve on DW&P & J. Duke within 5 days after receiving this order, a copy of the compl. as amended; that said added parties deflt. have 30 days after service of amended complaint to ans. (HDC-J)ph cps mld
4-6		Summons, ret. & filed: served Johnny Duke, Tulsa, 4-26-77; served DW & P Corp., Sapulpa, 7-6-77. (USM \$32.40)g
7-6	20.	Pltf's mo/leave to amend complaint, filed. hm
7-6	21.	Brief in support of said mo/amend complaint, filed. hm
7-7	22.	Order, fld., that USA be permitted to amend its compl. (HDC-J)y -cps. mld.

## CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. 76-C-614-C
U.S.A.		BILBO NEWMAN COMPANY, INC.	PAGE 3 OF 2 PAGES
DATE	NR.	PROCEEDINGS	
7-8-77	23.	Amendment to complaint, filed. summons issued. rm	
7-20	24.	Ans. brief of Joe Francis to amendment to the complaint, filed. ph	
7-26	25.	Answer of deflt. City Bank to amendment to complaint, filed. rm	
8-2	26.	Ans. of Intervenor, First National Bank & Trust Co. of Tulsa, to amendment to complaint, filed. ph	
8-3	--	Marshal's return on service of amendment to complaint, filed. Served Bilbo Newman Co., Purser E. Newman, Maxine Newman, Joe Francis, City Bnk & Tr., First Natl. Bank & Trust on 7/13/77; served Johnny Duke on 7/19/77; served DW&P Corp. on 8/1/77. rm (USM \$35.16)	
10-20	27.	Pltf's motion for leave to amend complaint, filed. ph (O in filed)	
10-20	28.	Brief in support of said motion to amend complaint, filed. ph	
10-20	29.	Suggestion of Death of Maxine C. Newman, filed. ph	
10-20	MO:	Ordered by the Ct that the defts. file a resp. brief within 10 days to the pltf's motion for leave to amend complaint. (HDC-J)ph ltr mld	
10-28	30.	Memo brief of City Bank & Trust in resp. to pltf's brief in support of mo/amend complaint, filed. ph	
10-31	31.	Resp. of Joe Francis to mo/USA to amend complaint, filed. ph	
11-1	32.	Resp. of Intervenor The First National Bank & Trust Co. of Tulsa to pltf's mo/leave to amend complaint, filed. ph	
1-6-78	33.	Order, filed, that USA is permitted to file its Second amendment to complaint. (HDC-J)ph cps mld	
1-26	34.	Second amendment to complaint, filed. ph Summons issued.	
2-7		Summons, ret. & fld: served City Bank & Tr. Co. by serving James G. Fehrle, Atty., served DW & P Corp. by serving Fred Parks, Sapulpa, 2-6-78; served Joe Francis, 1-30-78; Johnny Duke on 1-27-78; First Natl. Bk. & Tru. Co. by serving Douglas L. Inhofe on 1-27-78; unserved as to Bilbo Newman Co. Inc., Purser E. Newman a/k/a P. E. Newman, & Maxine Newman. (USM \$22.44)g	
2-16	35.	Answer of intervenor, First Natl., to pltf. amendments of complaint, w/leave of Ct. to file out of time. (HDC-J)rm-copies to Inhofe	
2-17	36.	Answer. of deflt., City Bank, to 2nd amendment to complaint, filed. rm	
2-27	37.	Motion for service by publication, filed. ph	
2-28	38.	Order for service by publication, filed. (HDC-J)ph cps mld	
7-21	39	Proof of Publicaion in Tulsa Daily Legal News, filed. (\$434.62)g	
7-21	40	Proof of Publication in Delaware County Journal, filed. (\$408.56)g	
7-21	41	Proof of Publication in Sapulpa Daily Herald, filed. (\$436.48)g	
7-21	42	Affidavit for entry of default by Clerk, filed. g	
7-21	43	Entry of default by Clerk, filed. g	
7-24	44	Judgement of foreclosure, fld & entered; Ordered that U.S.A. recover judgement <u>in rem</u> against Bilbo Newman Co., Purser E. Newman, & Maxine Newman for sum of \$55,754.84 w/int. at daily rate of \$12.4382 from May 18, 1976, plus costs; Ordered that City Bank recover judgement <u>in</u> (cont.)	

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## CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. _____
U.S.A.		BILBO NEWMAN CO.	PAGE ____ OF ____ PAGES
DATE	NR.	PROCEEDINGS	
7-24	(cont.)	) <u>rem</u> against Purser E. Newman in principal amt. of \$82,987.14, plus accrued interest to May 23, 1978, in amt. of \$3,065.97, plus int. at daily rate of \$21.75 from May 23, 1978, plus ad valorem taxes and ins. in amt. of \$2685.45 plus atty's fee of \$8,348.71 plus costs; Ordered that City Bank recover judgement <u>in rem</u> against Bilbo Newman Co. and Purser E. Newman in amt. of \$34,011.75 plus int. at 13% per annum from May 23, 1975, plus costs and atty. fee in sum of \$3,451.18; Ordered that Joe Francis recover judgement <u>in rem</u> against Bilbo Newman Co. and Purser E. Newman in amt. of \$46,000.00 plus accrued int. of \$3,352.72 as of Oct. 31, 1975, plus int. at 10% per annum thereafter, plus atty's fee of \$1,365.00, plus costs of \$167.50; ordered that U.S.A., City Bank and Joe Francis have judgement <u>in rem</u> against DW & P Corp, Johnny Duke & Maxine Newman, if living, or if not, her unknown heirs, assigns, executors, or administrators; Ordered that property be sold by U.S. Marshall to satisfy judgements. (HDC-J)ra.cps to parties.	
7-25	45	Bill of costs filed and taxed in amt. of \$1,416.30. (JCS-Clk)rm	
7-31		Order of sale issued. ra	
10-4	46	Order of sale, Oath of Appraisers & Appraisement (\$18,750), filed. g	
10-24	---	Orders of sale issued. rm	
11-2	47	Order of sale, ret. & filed, with Oath of Appraisers and Appraisement (\$50,000.00)g	
11-16	--	Ret. on order of Sale, fld. sold property on 11-13-78 to Small Business Adm. for \$18,725.00 (USM \$15.00)ho	
11-28	48	Marshal's return of sale, fld.ra	
11-29	49	Pltf's mot/confirm sale, fld.ra (0)	
12-6	50	Order of sale, fld, w/oath of appraisers & appraisement. (JCS-CC)ra	
12-11	51	Pltf's mot/strike sale, fld.ra (0)	
12-11	52	Order, fld, confirming marshal's sale. (HDC-J)ra cps to US Atty	
12-11	53	Order, fld, that marshal's sale of the Delaware Co. property being foreclosed, now scheduled for 12-13-78, is hereby STRICKEN, and a further sale, w/appraisement & advertisement, is directed to be held herein in conformance w/judgement entered 7-24-78. (HDC-J)ra cps to US Atty	
12-18	--	Order of sale, issued. ho	
1/19/79	54.	Motion of City Bank and Trust Co. to vacate sale, filed. v	
1/19	55.	Memo. in support, filed. v	
1/19	56.	Affidavit of Don Anderson, V-P of City Bank, filed. v	
1/19	MO:	Plaintiff is granted <u>until Feb. 1, 1979, to have on file</u> their resp. to the mot. to vacate. (HDC-J)v	
1/23	57.	Order of Sale, filed. (JCS-CC)rm/v	
1/23	58.	Oath of Appraisers, filed. Appraisers are Harold W. Round, Arch Pearce and Ted Houck. v	
1/23	59.	Appraisement, filed. Lot appraised at a net value of \$4,986.58. v	

## CIVIL DOCKET CONTINUATION SHEET

FPI-MAR

PLAINTIFF		DEFENDANT	DOCKET NO. _____
U.S.A.		BILBO NEWMAN CO. et al.	PAGE ____ OF ____ PAGES
DATE	NR.	PROCEEDINGS	
1979			
1-25	---	Return of USM service of Order of Sale, fld. Served by selling property to Tulsa-Sapulpa Union Railway Co. for bid of \$56,666.67 on 1-15-79. (for fees, see return)ra	
1-30	60	Motion of Tulsa-Sapulpa Union Railway Co. to confirm sale, fld.ra	
1-30	61	Response of Tulsa-Sapulpa Union Railway Co. to mot/vacate, fld.ra	
1-31	62	Pltf's resp. to mot/vacate sale, fld.ra	
2-9	63.	Order, filed, that mo/vacate sale of deft. City Bank & Trust Co. is overruled. (HDC-J)hm (copies mailed)	
2-21	64	Marshal's return of sale, fld.ra	
2-22	65	Order confirming sale, filed. (HDC-J)rm-copy to Remington Rogers	
3-7	66	Order of disbursal, fld, directing clerk to disburse funds received by Marshal for sale of property. (HDC-J)ra	
3-8	--	Return of USM service of Order of Sale. Sale cancelled by U.S. Dist. Judge H. Dale Cook on 12-11-78.ra	
3-8	--	Return of USM service of Order of Sale, fld. Served by selling property to John Allan Laizure, Broken Arrow, OK, on 3-7-79 for \$9,000.00. (USM \$37.32)ra	
3-16	67	Marshal's return of sale, fld.ra	
4-3	68	Motion to confirm Sale, fld, b	
4-23	69	Order confirming Marshal's Sale, fld.ra	
4-27	70	Order of disbursal of funds from Marshal's sale, filed. (HDC-J)k cps to USA & USM	

## FPI-MAR

PLAINTIFF	DEFENDANT	DOCKET NO. _____ PAGE ____ OF ____ PAGES
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DATE	NR.	PROCEEDINGS
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DC-111A REV. (1/75)